

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Applicants:** Charles Donald Montgomery, Jr.  
**Serial No:** [NEW]  
**Filing Date:** [NEW]  
**Title:** Method of Adapting an Optical Network to Provide  
Lightpaths to Dynamically Assigned Higher Priority  
Traffic  
**Attorney Docket No.:** AFIBU.0102

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**DECLARATION AND POWER OF ATTORNEY**

As the below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the first, original and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention, design or discovery entitled:

**METHOD OF ADAPTING AN OPTICAL NETWORK TO  
PROVIDE LIGHTPATHS TO DYNAMICALLY ASSIGNED  
HIGHER PRIORITY TRAFFIC**

the specification of which is identified above.

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above;

I acknowledge the duty to disclose to the Office all information known to us to be material to the patentability of this application as defined by Title 37, Code of Federal Regulations, § 1.56.

I hereby claim no foreign priority benefits under 35 U.S.C. § 119 of any foreign application(s) for patent or inventor's certificate.

I hereby claim benefit under 35 U.S.C. § 119 or § 120 as may be applicable, of United States application for patent, serial number 10/118,084 filed on April 8, 2002, which claims priority on United States application serial number 60/282,318 filed on April 6, 2001.

I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in § 1.56 which became available between the filing date of any prior application(s) and the national or PCT international filing date of this application.

I hereby **appoint**:

<b>David W. Carstens</b>	<b>Registration No. 34,134</b>
<b>Duke W. Yee</b>	<b>Registration No. 34,285</b>
<b>Colin P. Cahoon</b>	<b>Registration No. 38,836</b>
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<b>Stephen J. Walder</b>	<b>Registration No. 41,534</b>
<b>Lisa L. B. Yociss</b>	<b>Registration No. 36,975</b>

each with the firm of Carstens, Yee & Cahoon, L.L.P., our attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, and to file and prosecute any international patent applications filed thereon before any international authorities under the Patent Cooperation Treaty.

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Attorney Docket No.: **AFIBU.0102**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Full name of First Inventor: **Charles Donald Montgomery, Jr.**

Inventor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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